

REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Amendments

Claims 9 and 10 have been added as dependents from claims 1 and 7, respectively, so as to define the oligomer in an amount between 2-15 wt% relative to the polyamide. Support for such an amendment can be found in the original application at page 8, lines 5-6.

Claims 7 and 8 have been revised as to form only so as to ensure language consistency with respect to the other pending claims (i.e., by changing the term "compound" to --composition--).

Following entry of this amendment, therefore, claims 1-10 will be pending in this application for which favorable action on the merits is solicited.

2. Response to 35 USC §103(a) Rejections

The only issue remaining to be resolved in this application is the Examiner's rejection of claims 1-8 as allegedly unpatentable over Gilmer et al (US 2002/01933494) in view of the secondary references already of record (i.e., Nakahashi et al, Sakai et al, Martens et al '865, Kasowski et al, Costick et al, Oka et al or Martens et al '802). In this regard, the Examiner asserts that:

"Applicant's amended range of 1-20 wt.% of polyamide oligomer is too close to the concentration shown by Gilmer et al. (22 wt.%) to make it non obvious. Although the concentration range claimed by applicant does not encompass or overlap the concentration shown by Gilmer et al. in Example 17, a prima facie case of obviousness exists where the claimed range and the values disclosed by the prior art are close enough that one skilled in the art would have expected them to have the same properties."

Applicants' suggest that an Gilmer's concentration of 22 wt.% would *not* render obvious the presently claimed invention. Specifically, as noted in the accompanying Factual Declaration Under 37 CFR §1.132 by Johannes Ottenheim, one of the named coinventors of the subject invention, several composition formulations were made by melt-blending components in an extruder and then extruding the melt-blend through a die plate to form a strand which was subsequent granulated. Test specimens were then molded from the granulated strand and tested to determine whether a UL94V0 rating could be achieved.

As noted in Table 1 of the Factual Declaration, the strand quality of EX-1 having 16 wt.% PA oligomer was good enough to make moulded test pieces and received a UL94V0 rating. The stand quality of formulations having 20 wt.% PA oligomer was somewhat marginal in quality to make good moulded test pieces. With slight adjustments in the composition (e.g., lowering slightly the glass content), good test specimens could be moulded. Thus, the PA oligomer content of EX-2 was actually 19.95 wt.%. Even though the strand quality of EX-2 was marginal, the composition achieved a UL94V0 rating. The composition of CEX-A with 24 wt.% PA oligomer had such poor integrity and strand quality that it was impossible to make good test samples at all.

The data presented by the Factual Declaration demonstrate that a skilled person would most certainly not expect properties of a composition having a PA oligomer content of above 20 wt.% to be the same as those of the presently claimed invention. Specifically, a skilled person would realize from the data above that in fact worse properties would result as the PA oligomer content exceeded 20 wt.%.

Accordingly, one skilled in this art would *not* have expected properties of the Gilmer et al compositions to have the same properties as those of the present invention. Thus, compositions having a PA oligomer content above 20 wt.%, including the PA

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content of 22 wt.% as disclosed in Gilmore et al, are outside the scope of the presently claimed invention.

Withdrawal of the 35 USC §103(a) rejection is therefore in order.

3. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Bryan H. Davidson/
Bryan H. Davidson
Reg. No. 30,251

BHD:dlb
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100